

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-10249-RR

In Re: Equifax, Inc., Customer Data Security Breach Litigation

SHIYANG HUANG,
THEODORE H. FRANK,
DAVID R. WATKINS,
MIKELL WEST,
CHRISTOPHER ANDREWS,
GEORGE W. COCHRAN,
ALICE-MARIE FLOWERS,
JOHN WILLIAM DAVIS,

Movants-Appellants,

BRIAN F. SPECTOR,
JAMES MCGONNIGAL,
RANDOLPH JEFFERSON CARY, III,
ROBIN D. PORTER,
WILLIAM R. PORTER, et al.,

Plaintiffs-Appellees,

versus

EQUIFAX INC.,
DOES 1 THROUGH 50, INCLUSIVE,
EQUIFAX INFORMATION SERVICES LLC,
a foreign limited liability company,
EQUIFAX INFORMATION SOLUTIONS, LLC,
DOES 1 THROUGH 10, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia

Before: JORDAN, NEWSON and LAGOA, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction as to Alice-Marie Flowers. The issues raised in the jurisdictional question concerning the other appellants' ability to appeal are CARRIED WITH THE CASE.

Because Ms. Flowers did not object to the underlying settlement, and did not intervene, she is not a party for purposes of any appeal from the final approval order. *See Marino v. Ortiz*, 484 U.S. 301, 304 (1988); *Devlin v. Scardelletti*, 536 U.S. 1, 6-14 (2002). To the extent she challenges the administrative closure of her individual action, that order is not final and appealable in that it not end her individual action on the merits. *See* 28 U.S.C. § 1291; *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000); *Martinez v. Carnival Corp.*, 744 F.3d 1240, 1243-44 (11th Cir. 2014).

As to the other appellants, a final determination regarding jurisdiction will be made by the panel to whom this appeal is submitted after briefing on the merits is completed. In their briefing, the parties are not required to discuss the jurisdictional question in great detail, but they may address it as they deem necessary or appropriate.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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August 05, 2020

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2211 UNITED STATES COURTHOUSE
75 TED TURNER DR SW
STE 2211
ATLANTA, GA 30303-3309

Appeal Number: 20-10249-RR
Case Style: Shiyang Huang v. Brian Spector, et al
District Court Docket No: 1:17-md-02800-TWT

The enclosed copy of this Court's Order of Dismissal (as to Alice-Marie Flowers only) is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Regina A. Veals-Gillis, RR
Phone #: (404) 335-6163

Enclosure(s)

DIS-4 Multi-purpose dismissal letter